UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,489	09/15/2003	Masakazu Ogawa	117147	9245

25944   7590   09/04/2008
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EXAMINER
TOPGYAL, GELEK W

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
09/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 May 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _15 September 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 5/21/2008 have been fully considered but they are

not persuasive.

2.   In re pages 1-3, the applicants present the central argument that the proposed

combination of Saunders et al. and Westland fails to teach "a preprocessing unit that

extracts static image data from the video data by an operator operation". It is argued

that due to the nature of Westland's VTR, "synchronization"/"reproduction time position"

the synchronization in Saunder's banner" 404 and slides 506 will not be achieved.

Furthermore, it is argued that the media samples (paragraph 42, 44 and Fig. 5) cannot

be static image data because the media samples are not extracted from the video data.

In response the examiner respectfully disagrees. The claim language merely

recites "a *pre*processing unit that extracts static image data from the video data by an

operator operation" and does not require the exact moment of the extraction to be at the

same moment of the synchronous reproduction. The claim language allows for the

interpretation that the still image can be extracted during a "pre"-processing unit, and

therefore, the system of Westland allows for a user in Saunders to extract a still image

from video data, which is to be stored and can later be used as "media samples" in

Saunders to create a presentation to synchronously reproduce video data with still

images. The claim language also does not tie together the limitation between the

"reproduction time position" and for reproducing static images "synchronously" with the

video data and can be met separately occurring at different moments in time.

Furthermore, in response to the argument that media samples (paragraph 42, 44 and Fig. 5 of Saunders) cannot be static image data because the media samples are not extracted from the video data. The applicants are arguing the system of Saunders when Westland is used to meet the claimed limitation. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

3.   In re page 3, the applicants argue with respect to dependent claims 13-20 that Saunders does not match the keyword content to contents data associated with the image data to obtain reproduction time positions.

In response, the examiner respectfully disagrees. It is taught in paragraph 49 that a client that requests a particular keyword (language, bandwidth and/or quality level) when requesting a particular presentation. The keywords are contents data that are associated with the image data since these keywords further describe/distinguish the presentation (including all of its still images).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Saunders et al. (US 2006/0288113) in view of Westland (US 4,685,003).

Regarding claim 1, Saunders et al. teaches an image reproduction system that

reproduces static image data synchronously with reproduction of video data,

comprising:

a position information obtainment unit that obtains a reproduction time position of

the video data as the video data is reproduced (Paragraph 42 teaches wherein a

content author can determine the rendering time for a video component of the entire

presentation. Fig. 5 further shows where Video 502 is synchronized along with other

media samples/data. Paragraph 44 teaches that rendering times for each video

sequences 714 are stored by the format writer 716 as part of the presentation.

Paragraphs 54-57 teaches a renderer that uses a browser 758 or a multimedia player

760 that receives the presentation and reproduces according to the rendering times set

in the presentation);

an image obtainment unit that obtains extracted static image data associated in

advance with the obtained reproduction time position (Paragraph 42 teaches wherein a

content author can determine the rendering time for each media sample ("HTML,

image") of the entire presentation. Fig. 5 further shows where media samples within

Banner 504, Slides 506 are synchronized along with other media samples/data.

Paragraph 44 teaches that rendering times for media samples are stored by the format

writer 716 as part of the presentation. Paragraphs 54-57 teaches a renderer that uses a

browser 758 or a multimedia player 760 that receives the presentation and reproduces

according to the rendering times set in the presentation); and

an image reproduction unit that reproduces the obtained static image data

synchronously with the video data (Fig. 5 and Paragraphs 51-53 teaches where a client

access a presentation which is reproduced according to the rendering times set by the

user as discussed above).

However, Saunders fails to particularly teach a preprocessing unit that extracts

static image from the video data by an operator operation.

In an analogous art, Westland teaches in Figure 10 of "Manual or Auto shot

selection" of the ability to extract a still image from video data and further store the still

image in a hard disk (steps 350, 369, 370, 374 and 376).

The system of Saunders et al. can be modified to allow for capturing and storing

of the still image files, as taught by Westland so that the extracted still images can be

used for the media presentation file of Saunders et al.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the ability to extract a still image from a video data

stream as taught by Westland so that information relative to the video can be used for

the media presentation file of Saunders et al.

Regarding claim 2, Saunders et al. teaches an image reproduction system that

reproduces static image data synchronously with reproduction of video data,

comprising:

a delivery server that holds the video data and static image data associated with the video data (paragraph, 49, media server 742); and

a browsing client that reproduces and displays on a screen the video data and static image data provided by the delivery server (paragraphs 51-53, client browses a presentation),

wherein the browsing client comprises:

a position information obtainment unit that obtains a reproduction time position of the video data as the video data is reproduced (paragraphs 54-57 teaches a renderer that uses a browser 758 or a multimedia player 760 that receives the presentation and reproduces according to the rendering times set in the presentation (as discussed in claim 1 above));

an image request unit that makes a request to the delivery server for the static image data associated in advance with the reproduction time position (paragraphs 51-53 teaches where a user on a client machine requests a particular presentation to be accessed/viewed. The presentation includes the still images within media samples); and

an image reproduction unit that reproduces the static image data synchronously with the video data, the static image data being provided by the delivery server in response to the request (paragraphs 56-57 teaches where a presentation, which includes video 502 and images stored by itself or within Banners 504 and/or Slides 506 are reproduced in synchronism).

However, Saunders fails to particularly teach a preprocessing unit that extracts static image from the video data by an operator operation.

In an analogous art, Westland teaches in Figure 10 of "Manual or Auto shot selection" of the ability to extract a still image from video data and further store the still image in a hard disk (steps 350, 369, 370, 374 and 376).

The system of Saunders et al. can be modified to allow for capturing and storing of the still image files, as taught by Westland so that the extracted still images can be used for the media presentation file of Saunders et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to extract a still image from a video data stream as taught by Westland so that information relative to the video can be used for the media presentation file of Saunders et al.

Regarding claim 3, the proposed combination of Saunders et al. and Westland teaches the claimed as discussed above in claim 1, and furthermore, Saunders et al. teaches the claimed further comprising:

a specification unit that accepts reproduction time position information of the video data from a user's input (as discussed in claim 1 above, wherein a content author can set rendering times for video sequences 502, 714, and the plethora of media samples including still images); and

a video reproduction unit that reproduces the video data from a time position corresponding to the accepted reproduction time position information (as discussed in claim 1 above),

wherein the position information obtainment unit obtains time position information specified by the user's input (as discussed in claim 1 above, wherein a content author can set rendering times for video sequences 502, 714, and the plethora of media samples including still images).

Regarding claim 4, Saunders et al. teaches an image reproduction system that reproduces video data and plural pieces of static image data in association with each other, comprising:

a specification unit that accepts a command provided by a user's input to select one piece of static image data from the plural pieces of static image data; (paragraphs 36-37 teaches wherein a client requests to seek to a particular point in the presentation. The client has the ability to seek to a particular point, including the locations of still images stored in banner 504 and/or slides 506); and

a video reproduction unit that reproduces the video data from a reproduction time position with which the selected piece of static image data is associated (as discussed above, after the client has chosen a particular still image, i.e. a particular location, the presentation resumes from that particular location).

However, Saunders fails to particularly teach a preprocessing unit that extracts static image from the video data <u>by an operator operation</u>.

In an analogous art, Westland teaches in Figure 10 of "Manual or Auto shot selection" of the ability to extract a still image from video data and further store the still image in a hard disk (steps 350, 369, 370, 374 and 376).

The system of Saunders et al. can be modified to allow for capturing and storing of the still image files, as taught by Westland so that the extracted still images can be used for the media presentation file of Saunders et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to extract a still image from a video data stream as taught by Westland so that information relative to the video can be used for the media presentation file of Saunders et al.

Claims 5-7 and 9-11 are rejected for the same reasons as discussed in claim 2 above.

Claims 8 and 12 are rejected for the same reasons as discussed in claim 4 above.

Regarding claims 13-20, the proposed combination of Saunders et al. and Westland teaches the claimed as discussed in claims 1-2 and 4-12 above, and furthermore, Saunders et al. teaches the claimed further comprising a retrieval interface (Fig. 7B and paragraph 49 teaches of a Client Site that retrieves a particular Presentation File) including a keyword input part that matches keyword input with contents data associated with the image data to retrieve results (Fig. 7B and paragraph 49 teaches of a Client Site that retrieves a particular Presentation File. In order to

request a particular Presentation File, information to differentiate one Presentation File

from another is inherently input by the user. See paragraph 3 above for further

discussion).

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to GELEK TOPGYAL whose telephone number is

(571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621